

PROB. 12B
(7/93)

ORIGINAL
United States District Court

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

for the

DISTRICT OF HAWAII

JAN 29 2007

at 3 o'clock and 20 min P M
SUE BEITIA, CLERK

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: JAMES T. CHAMPLIN

Case Number: CR 03-00587JMS-01

Name of Sentencing Judicial Officer: The Honorable J. Michael Seabright
U.S. District Judge

Date of Original Sentence: 7/12/2005

Original Offense: UNLAWFULLY ENTERING A MOTOR VEHICLE WITH INTENT
TO COMMIT A CRIME, in violation of Hawaii Revised Statutes
(HRS) § 708-836.5 and 18 U.S.C. §§ 2 and 13, a Class D felony

Original Sentence: The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of Time Served. Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 years with the following special conditions: 1) That the defendant participate in a substance abuse program, which may include drug and alcohol testing, at the discretion and direction of the Probation Office. The defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment; 2) That the defendant provide the Probation Office and the Financial Litigation Unit of the U.S. Attorney's Office access to any requested financial information to include submitting to periodic debtor's examinations as directed by the Probation Office; 3) That the defendant participate in a mental health program at the discretion and direction of the Probation Office; 4) That the defendant shall submit his person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition; 5) That the defendant is prohibited from the possession and use of alcohol; and 6) That restitution of \$40 is due immediately to P. Day, and any remaining balance upon release from confinement be paid during the period

Prob 12B
(7/93)

of supervision on an installment basis according to the collection policy of the Probation Office but at a rate of not less than 10 percent of his monthly gross income. Interest does not accrue for restitution or fines of less than \$2,500.

Type of Supervision: Supervised Release Date Supervision Commenced: 7/12/2005

PETITIONING THE COURT

☒ To modify the conditions of supervision as follows:

General Condition: *That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of the commencement of supervision and at least two drug tests thereafter but no more than eight valid drug tests per month during the term of supervised release, unless there is a positive drug test, in which event the maximum shall increase to up to one valid drug test per day (mandatory condition).*

CAUSE

The offender is not in violation of his conditions of supervised release; however, based on the offender's history of substance abuse, we are recommending that his conditions be modified as reflected above. Prior to U.S. v. Stephens, 9th Circuit 2005, the offender was enrolled in random drug testing. However, due to the Stephens ruling, random drug testing ceased. The purpose for the modification is so that the Probation Office could continue to conduct random drug testing at the rate of up to eight tests per month.

As to the offender's adjustment, since his release, he has submitted approximately 25 urine specimens, all of which tested negative for illicit drugs and has completed all required counseling sessions with Hina Mauka. He has secured employment through the assistance of Network Solutions and is living in an Adult Mental Health Division (AMHD) structured living environment. The offender meets regularly with his psychiatrist at Waianae Comprehensive Center and also meets regularly with his AMHD case manager.

PROB 49
(5/96)

United States District Court

District of Hawaii

Waiver of Hearing to Modify Conditions of Probation/Supervised Release and/or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release and/or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release and/or to the proposed extension of my term of supervision:

☒ To modify the conditions of supervision as follows:

General Condition: *That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of the commencement of supervision and at least two drug tests thereafter but no more than eight valid drug tests per month during the term of supervised release, unless there is a positive drug test, in which event the maximum shall increase to up to one valid drug test per day (mandatory condition).*

Witness:



LISA K.T. JICHA
U.S. Probation Officer

Signed:



JAMES CHAMPLIN
Supervised Releasee

1-12-07

Date

Prob 12B
(7/93)

3

Attached is a signed Waiver of Hearing to Modify Conditions of Supervised Release. The offender waives his right to a hearing and to assistance of counsel. The offender agrees to the modification of the conditions of supervised release. The offender's attorney and the U.S. Attorney's Office have been notified of the proposed modification and have no objections to the modification.

Respectfully submitted by,



LISA K.T. JICHA
U.S. Probation Officer

Approved by:



GENE DeMELLO, JR.
Supervising U.S. Probation Officer

Date: 1/25/2007

THE COURT ORDERS:

- ☒ The Modification of Conditions as Noted Above
☐ Other



J. MICHAEL SEABRIGHT
U.S. District Judge



Date